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Attorney Docket No. 1349.1016

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Chong-sam CHUNG, et al.

Application No.: 09/442,095

Group Art Unit: 2653

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Technology Center 2600

Confirmation No.: 5416

Filed: November 17, 1999

Examiner: Aristotelis M. Psitos

For: OPTICAL PICKUP FOR AN OPTICAL DISK DRIVE

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This is responsive to the Office Action mailed May 16, 2002, having a shortened period for response set to expire on June 16, 2002, the following remarks are provided.

I. Provisional Election of Claims Pursuant to 37 CFR §1.142

Applicants provisionally elect Group I, claims 1 through 17 in response to the preliminary restriction requirement set forth in the Office Action.

II. Applicants Traverse the Requirement

Insofar as Group II is concerned, it is believed that claims 18 and 19 are so closely related to elected claims 1 through 17 that they should remain in the same application to preserve unity of the invention and to avoid any possibility of a double patenting issue arising at

some later date. The elected claims 1 through 17 are directed to an optical disc reproduction system having particular holographic lens arrangement and claims 18 and 19 are drawn to a multi optical disc accessing system. There have been no references cited to show any necessity for requiring restriction and, in fact, it is believed that the Examiner would find references containing both method and product claims in the same field of technology. While it is noted that the Examiner has identified different classifications for the product and method claims, it is believed that classification is not conclusive on the question of restriction. It is believed, moreover, that evaluation of both sets of claims would not provide an undue burden upon the Examiner at this time in comparison with the additional expense and delay to Applicants in having to protect the additional subject matter recited by the Group II claims by filing a divisional application.

Even if the Examiner considers claims 18 and 19 to be a separate invention from claims 1 through 17, the Applicants respectfully request the Examiner to consider the claims together.

III. Conclusion

Upon review of references involved in this field of technology, when considering that the method recited by the Group II claims is directed to accessing plural discs at different times with individual laser beams with no required holographic lens arrangement, and elected claims 1 through 17 are directed to simultaneously accessing a single layer/disc with multiple beams requiring particular holographic lens arrangement, and when all of the other various facts are taken into consideration, it is believed that upon reconsideration of the Examiner's initial restriction requirement, all of the pending claims should be examined in the subject application.

In view of the foregoing amendments, arguments and remarks, all claims are deemed to be allowable and this application is believed to be in condition for allowance.

If any further fees are required in connection with the filing of this Response, please charge the same to our deposit account number 19-3935.

Should any questions remain unresolved, the Examiner is requested to telephone
Applicants' attorney.

Respectfully submitted,

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